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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,982	06/04/2001	Jack Ou	USP1524T-AP	4844
7590 07/16/2004				
David and Raymond Patent Group 1050 Oakdale Lane Arcadia, CA 91006			EXAMINER CHIANG, JACK	
			ART UNIT 2642	PAPER NUMBER 2

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/873982

Applicant(s)

J. On

Examiner

J. Chiang

Group Art Unit

2642

#2

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 6-4-01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-5 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-5 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

**DRAWINGS**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “a second fixing bolt ... and a second nut”, and “an external microphone can be plugged into said plug-in part ...” called for in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **CLAIMS**

#### **112 First Paragraph Rejection**

2. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 1, lines 14-16, it is questionable that "an external microphone can be plugged into said plug-in part of said holder". First, "the plug-in part" is identified as element 1, and "the holder" is identified as element 2. It appears that the external microphone 5 is plugged into the holder 2 according to Figs. 3-4, not the plug-in part 1.

#### **Art Rejection**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooe (US 5659887) in view of Palett et al. (US 6246765) and further in view of Schildkraut et al. (US 4484790).

Regarding claim 1, Ooe shows:

A plug-in part (803, 820);

A body (819);

An extended part (820);

A first joint (823);

A second joint (822);

A first fixing bolt and nut (824, 825);

A second fixing bolt and nut (829, 828);

A holder (302);

A speaker (306 or 206);

A plug-in terminal (217); and

A placing room (holding phone 1).

Ooe differs from the claimed invention in that it does not have a plug-in jack for an external microphone.

However, Palett teaches providing a plug-in jack (38h) for an external microphone (69 or 114).

Hence, it would have been obvious for one of ordinary skill in the art to modify Ooe with a microphone jack as taught by Palett, such that to allow the user to have either an open conversation (fig. 5) or a private conversation (fig. 16), and yet to maintain the basic concept of a hands free phone operation.

The combination of Ooe further differs from the claimed invention in that it does not explicitly mention that a connecting socket is fixed and roughly rubbed with the microphone plug.

However, Schildkraut teaches providing a connecting socket which is fixed and roughly rubbed with a plug (figs. 1-3).

Hence, if it is found that microphone connector/socket and plug in the combination of Ooe is not fixed, it would have been obvious for one of ordinary skill in the art to modify the microphone connector of the combination with the Schildkraut's connector, because it is understood that this phone system is used in the vehicle environment which usually involve shock and vibration, and the modification would have an anti-decoupling connector for the phone components and improve the reliability of the system (col. 2, lines 1-4 in Schildkraut).

Regarding claims 2-5, the combination of Ooe, Palett and Schildkraut shows:

A linking set having tooth crows and fixing teeth in the socket (34, 100 in Schildkraut);

Points and pits (98, 84 in Schildkraut);

The plug-in terminal (217, 317 etc. in Ooe);

Sound output (306);

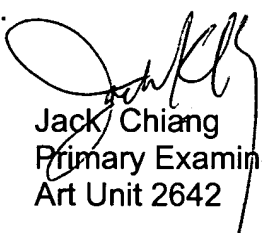
An internal circuit (303, 305); and

The phone (1).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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